

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  22207-010300US																	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  09/617,169	Filed  July 17, 2000																	
	First Named Inventor  Brent E. Pearson																		
	Art Unit  2626	Examiner  Lamont M. Spooner																	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; text-align: right; padding: 5px;">/Melvin D. Chan/</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="text-align: right; padding: 5px;">Signature</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. 39,626 Registration number _____</td><td style="text-align: right; padding: 5px;">Melvin D. Chan</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="text-align: right; padding: 5px;">Typed or printed name</td></tr><tr><td></td><td style="text-align: right; padding: 5px;">408-701-0035</td></tr><tr><td></td><td style="text-align: right; padding: 5px;">Telephone number</td></tr><tr><td></td><td style="text-align: right; padding: 5px;">August 16, 2007</td></tr><tr><td></td><td style="text-align: right; padding: 5px;">Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/Melvin D. Chan/	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature	<input checked="" type="checkbox"/> attorney or agent of record. 39,626 Registration number _____	Melvin D. Chan	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Typed or printed name		408-701-0035		Telephone number		August 16, 2007		Date
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<input type="checkbox"/> *Total of _____ forms are submitted.																			

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## **United States Patent and Trademark Office**

Application No.: 09/617,169  
Confirmation No.: 7640  
Customer No.: 51111  
Docket No.: 22207-010300

Commissioner for Patents  
POB 1450  
Alexandria, VA 22313-1450

### **Reasons for Preappeal Brief Review Request**

Dear Commissioner:

Applicants request a preappeal brief conference review because the rejections of record are clearly based on factual and legal error.

#### **Section 112 Rejection**

In the final office action mailed May 16, 2007, the examiner did not specifically indicate that claims 22 and 23 are rejected under section 112, first paragraph. If so, the examiner's rejection is clearly improper and without basis.

As described in applicants' May 3, 2006 response, these claims are fully supported by the specification, which includes the Javascript source code provided in figures 5A, 5B, 8A, 8B, and 8C. Whether Javascript code is specifically recited in claims 22 and 23 is immaterial to this rejection, because the specification clearly supports these claims.

Applicants provide the Javascript source code as merely one embodiment of the invention. There are other possible embodiments. The scope of the invention is defined in the claims, and Applicants choose not to specifically limit the claims to a Javascript embodiment.

Since claims 22 and 23 were not otherwise rejected (e.g., under section 102 or 103), these claims should be allowable.

#### **Section 103 Rejection**

One or more claim elements are clearly not shown or suggested by the cited references. Discussion is provided in the record, among other places, on pages 10–14 of the May 3, 2006 response.

In brief, the combination of the Word Reference and Gibson references do not show or suggest, for example,

(i) “a translation window that is *created by a program associated with a primary web page* and is opened in conjunction with a web page window” (emphasis added),

(ii) “wherein the secondary web page *is replaced by a tertiary web page in the web page window while the translation window remains open*” (emphasis added),

(iii) “wherein the program *comprises JavaScript language code stored at the primary web site*” (emphasis added), or

(iv) “wherein the program *comprises JavaScript language code and the program prompts the user to input a URL for the secondary web page*” (emphasis added). Nowhere are these limitations or other limitations of the claims shown or suggested by the references. In forming the section 103 rejection, the examiner has improperly taken official notice of technical matters or is using impermissible hindsight, or both.

Therefore, all claims should be allowable.

Respectfully submitted,

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/Melvin D. Chan/

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